

Response After Final  
Application No. 10/621,860  
Attorney Docket No. 062373

**REMARKS**

Claims 1, 5-11, 13-18, 27-30, 35 and 36 are pending in the present application. Reconsideration in view of the following remarks is respectfully requested.

**As to the Merits:**

As to the merits of this case, the Examiner sets forth the following rejections:

claims 1, 5-11, 13-18, 27, 28, 35 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent Publication number US 2004/0190586; hereinafter referred to as Lee); and

claims 29 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. as applied to claims 1, 5-11, 13-18, 27, 28, 35 and 36 above, and further in view of “Wood Moisture Content”, Clemson Extension residential Housing, HL 255.

Each of these rejections is respectfully traversed.

Independent claim 1 calls for *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said*

*determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure. Independent claim 11 includes similar features.*

With regard to the Lee reference, the Examiner asserts that Lee discloses “measuring moisture content levels within structural components of said portion of the interior of the structure, and providing a report of moisture content level measurements,”<sup>1</sup> and that, “moisture content is determined for structural components of the interior of a structure (see paragraphs [0066] and [0077]).”<sup>2</sup>

However, it is respectfully submitted that the Examiner is mischaracterizing the teachings of Lee, since while Lee clearly discloses a thermal image sensor that allows an inspector to view and inspect beyond the surface level for evaluation of the temperature profiles of building components due to the difference in thermal properties between building components, it is respectfully submitted that Lee is completely silent with regard to using the thermal image sensor (infrared camera) to measure any type of moisture content levels in the interior portion of the structure.

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<sup>1</sup> Please, see page 2, lines 18-21 of the Action.

<sup>2</sup> Please, see page 3, lines 5-7 of the Action.

That is, Lee discloses in part in paragraph [0140] that “[t]he mere presence of moisture within or exterior to a building component does not guarantee that the thermal camera will show that moisture is present.” Further, in paragraph [0140], Lee also discloses that there has to be a way for the evaporation of the water to permit heat loss and, therefore, without the ability to evaporate, water will take on the temperature of the substrate, and the equipment will be blind to the presence of the moisture.

In view of such disclosure, it is submitted that it is clear that Lee is simply not concerned with *measuring a plurality of moisture content levels within said interior portion of the structure*, since Lee can not even guarantee that the mere presence of moisture within a building component can be detected by the thermal camera.

Moreover, even if, Lee is able to detect the evaporation of water, it is submitted that the user of the thermal imaging sensor would still not be able to determine the moisture content level of the structure which contains the moisture. Instead, the user will only be able see the differences in thermal profiles between building components and conclude that such differences represent the evaporation of moisture. However, no actual measurement or determination of a moisture content level can be made based on the differences in thermal profiles between building components.

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As such, it is submitted that Lee is completely silent with regard to using the infrared sensor or thermal image sensor to measure a plurality of moisture content levels within an interior portion of a structure, and determining if each of the plurality of moisture content level is within a desired level, as called for in claim 1.

More specifically, it is submitted that Lee fails to disclose or fairly suggest each of every feature of claim 1 concerning *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.*

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

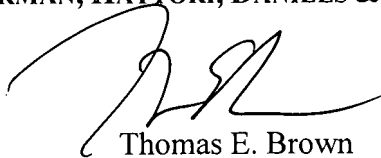
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'TEB', is positioned above the printed name of the attorney.

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